S.B.Cr.Misc. Bail App. No.4055/007

(Premji Prajapat vs. State of Rajasthan)

Date of order : August 22, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Mridul Jain, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers. I have carefully gone through the dying declaration of the deceased recorded by the Judicial Magistrate, Banswara as also the statement of the deceased recorded on 24.2.2007 at 11.00 A.M. by police. In both the statements, the deceased categorically stated that there was a quarrel between her and her husband in the night and ultimately her husband poured kerosene on her and her mother-in-law lit the matchstick causing burn injuries. However, the presence of the petitioner has been shown in subsequent statement recorded by the Magistrate but no overt act has been assigned against him.

Having regard to the facts and circumstances of the case and the fact that in first two statements, the presence of the petitioner has not been shown, however, in third statement, the

presence of the petitioner has been shown, however no overt act has been assigned to him, without commenting on the merit of the case, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Premji Prajapat s/o Dhanna Ji Prajapat be released on bail in FIR No.78/2007, P.S. Gadi, Distt. Banswara provided he furnishes a personal bond in a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-